

402601
Docket No.

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

ENGLISH LANGUAGE DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name:

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

FREE STANDING FIREPIT HAVING DETACHABLE PIVOTED GRILL

the specification of which

(check one)

[x] is attached hereto.

[] was filed on _____ as

Application Serial No. _____

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign applications(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

| (Number) | (Country) | (Day/Month/Year Filed) | Yes | No |
|----------|-----------|------------------------|-----|----|
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

| | | |
|------------------------|---------------|--|
| (Application Ser. No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
| | | |
| (Application Ser. No.) | (Filing Date) | (Status) (patented, pending, abandoned) |
| | | |

I hereby appoint Frank Frisenda, Jr. (Reg. No. 27,884) located at 3993 Howard Hughes Parkway, Suite 470, Las Vegas, Nevada 89109.

Direct telephone calls to : Frank Frisenda, Jr.
Telephone No.: 702/792-3910

Address all correspondence to:

Frank Frisenda, Jr.
Frisenda, Quinton & Nicholson
3993 Howard Hughes Parkway, Suite 470
Las Vegas, Nevada 89109

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Full name of first inventor: HENRY P. GLASS

Inventor's Signature: Henry P. Glass Date: August 17, 2001

Residence: P.O. Box 52, Northfield, Illinois 60093

Citizenship: U.S.

Post Office Address: P.O. Box 52
Northfield, Illinois 60093

Full name of second inventor: _____

Inventor's Signature: _____ Date: _____

Residence: _____

Citizenship: _____

Post Office Address: _____

Full name of third inventor: _____

Inventor's Signature: _____ Date: _____

Residence: _____

Citizenship: _____

Post Office Address: _____

D:Pat-D&POA.15

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN**

Docket Number (Optional)

Applicant, Patentee, or Identifier: Henry P. Glass

Application or Patent No.: _____

Filed or Issued: _____

Title: FREE STANDING FIREPIT HAVING DETACHABLE PIVOTED GRILL

I hereby state that I am

the owner of the small business concern identified below.

an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN BERKELEY PRODUCTS, INC.ADDRESS OF SMALL BUSINESS CONCERN 18400 E. Gale AvenueCity of Industry, California 91748

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.

the application identified above.

the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

no such person, concern, or organization exists.

each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Carolyn JacintoTITLE OF PERSON IF OTHER THAN OWNER PresidentADDRESS OF PERSON SIGNING 18400 E. Gale Avenue, City of Industry, CA 91748SIGNATURE Carolyn Jacinto DATE Aug. 17, 2001